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OFFICE OF PETITIONS

In re Application of
Kornbluth, et al.
Application No. 09/924,102
Filed: August 8, 2001
Attorney Docket No. 1579-470
For: REAPER PROTEIN

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DECISION ON PETITION

This is a decision on the petition under 37 CFR § 1.137(b) to revive the above-identified application, filed June 18, 2004.

The petition under 37 CFR 1.137(b) is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. If petitioner responds within two months of the mail date of this decision, no additional fee will be due. However, if petitioner takes longer than two months to submit a reconsideration petition, petitioner will need to purchase extensions of time under 37 CFR 1.136(a). The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply within an extendable three month period to the non-final Office action, mailed November 4, 2003. No extensions of time being obtained and no reply being received in the Office, the above-identified application became abandoned on February 5, 2004. A Notice of Abandonment was mailed on June 16, 2004.

The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed;

- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and
- (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy requirement (1). No reply is present in the application file. Petitioners are requested to submit another copy of their reply. If the reply is a continuing application, please specify the application number assigned to it, as well as its filing date.

Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.



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